IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 2332 of 2004

DATE OF DECISION : 14.09.2006

Mahindro Devi

.... PETITIONER

Versus

State of Haryana and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. J.K. Goel, Advocate,
for the petitioner.

Mr. S.S. Mor, Senior D.A.G., Haryana.

Mr. Shailendra Jain, Advocate,
for respondent No.2.

* * *

Petitioner Mahindro Devi, who is complainant in case FIR No. 297 dated 19.6.1998 under Sections 354/452 IPC, registered at Police Station Gharaunda, has filed this criminal revision against the judgment dated 14.7.2004, passed by Additional Sessions Judge, Karnal, whereby in appeal filed by respondent No.2-accused, while maintaining his conviction, his sentence of imprisonment has been modified and he has been ordered to be released on probation for a period of two years, with a further direction to pay a sum of Rs. 10,000/- as compensation to the complainant, in addition to Rs. 1,000/- as costs of proceedings.

2. Respondent No.2 was tried in the aforesaid case and vide judgment and order dated 9.12.2002, he was convicted and sentenced to undergo rigorous imprisonment for three months under Sections 354 and rigorous imprisonment for six months and a fine of Rs. 100/- under Section 452 IPC. On appeal filed by respondent No.2, against his conviction and sentence, vide impugned judgment dated 14.7.2002, the appellant court has upheld his conviction and modified the sentence, as mentioned in the first paragraph of the judgment. Hence, this revision petition has been filed by the petitioner challenging the release of respondent No.2 on probation by

the appellate court.

3. I have heard counsel for the parties and gone through the impugned judgment.

4. The appellate court, while releasing the accused on probation, has considered the facts that he was first offender, faced trial for more than nine years, his antecedents were not recorded to be bad and at the time of the commission of the offence, he was just nineteen years old. Moreover, besides releasing the accused on probation, he has been burdened with compensation of Rs. 10,000/- to be paid to the complainant and Rs. 1,000/- as costs. I do not find any illegality or infirmity in the impugned judgment and in my opinion, respondent No.2 has been rightly released on probation. No ground for interference is, therefore, made out.

5. Dismissed.

September 14, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**